

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE LOCAL 6559 PENSION FUND,
formerly known as TRUSTEES OF THE UNITY
PENSION FUND LOCAL 210 RETIREMENT
PLAN,

Plaintiffs,

-against-

APPLE DIRECT MAIL SERVICE LTD,

Defendant.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**
20-CV-2920(DRH)(SIL)

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Presently before the Court is the Report and Recommendation of Magistrate Judge Steven I. Locke, dated June 21, 2021 (“R&R”) recommending that Plaintiffs’ motion for default judgment, appearing at Docket Entry [12], be granted and that Plaintiffs be awarded damages as follows: (1) \$97,927.00 in unpaid withdrawal liability; (2) interest through the date of the R&R in the amount of \$20,248.72, with additional interest to be calculated at the rate of \$12.55 per day through the date of judgment; (3) attorney’s fees in the amount of \$5,970.00 and (4) costs in the amount of \$470.00, for a total award of \$124,615.72 plus additional interest as set forth above through the date of the judgment. More than fourteen (14) days have passed since service of the R& R and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the June 21, 2021 Report and Recommendation of Judge Locke as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that Plaintiffs’ motion for default judgment is granted and Plaintiffs are awarded damages as follows: (1) \$97,927.00 in unpaid withdrawal liability; (2)

interest through the date of the R&R in the amount of \$20,248.72, with additional interest to be calculated at the rate of \$12.55 per day through the date of judgment; (3) attorney's fees in the amount of \$5,970.00 and (4) costs in the amount of \$470.00, for a total award of \$124,615.72 plus the additional interest set forth above calculated through the date of judgment herein. Post judgment interest shall accrue pursuant to 28 U.S.C. § 1961. The Clerk of Court is directed to enter judgment accordingly and to close this case.

SO ORDERED.

Dated: Central Islip, New York
July 9, 2021

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge